

CHAPTER 43-34

NURSING HOME ADMINISTRATORS

43-34-01. Definitions. For the purposes of this chapter and as used herein:

1. "Board" means the North Dakota state board of examiners for nursing home administrators hereinafter created.
2. "Nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a North Dakota nursing home whether such individual has an ownership interest in such home and whether the individual's functions and duties are shared with one or more individuals.
3. "Nursing home" means any institution or facility defined as such for licensing purposes under North Dakota state law or pursuant to the rules and regulations for nursing homes by the state department of health, whether proprietary or nonprofit, including nursing homes owned or administered by the state government or an agency or political subdivisions thereof.

43-34-02. Composition of the board. There is hereby created the state board of examiners for nursing home administrators which consists of nine members.

1. Two members of the board must be the state health officer and the executive director of the department of human services.
2. One member of the board must be a physician appointed to the board for a three-year term by the governor.
3. One member of the board must be a hospital administrator appointed to the board for a three-year term by the governor.
4. Four members of the board must be licensed nursing home administrators appointed to the board for three-year terms by the governor.
5. One member of the board must be a nurse appointed to the board for a three-year term by the governor.
6. Any vacancies occurring in the appointments made by the governor must be filled by the governor.
7. Appointive members may be removed by the governor for cause after due notice and hearing.

43-34-03. Qualifications for licensure. The board has authority to issue licenses to qualified persons entitling them to serve and practice nursing home administration or otherwise hold themselves out as duly licensed nursing home administrators, and shall establish qualification criteria for such persons. No license may be issued to a person unless the person has met the following conditions:

1. The person is at least eighteen years of age, of good moral character, and of sound physical and mental health.
2. If the applicant for license is deemed not to be qualified by the board after the initial evaluation and testing, then the board may prescribe a course of instruction and training, which course must be so designed as to content and so administered as to present sufficient knowledge of the needs properly to be served by nursing homes, laws governing the operation of nursing homes and the protection of the interests of patients therein, and the elements of good nursing home administration, or have

presented evidence satisfactory to the board of sufficient education, training, or experience in the foregoing fields to administer, supervise, and manage a nursing home.

3. The person has passed an examination administered by the board and designed to test for competence in the subject matter referred to in subsection 2.

All persons applying for a license must meet the conditions and requirements as may be prescribed by the board. However, a person meeting the standards of good moral character, sound physical and mental health, and otherwise suitable, and who was a nursing home administrator during all of the calendar year immediately preceding the calendar year in which the state licensing program becomes effective, may be granted a waiver for a period of two years after the effective date of this chapter, or until June 30, 1971, whichever is earlier, to allow the person or persons to meet the conditions or requirements as set by this board.

43-34-03.1. Conviction not bar to licensure - Exceptions. Conviction of an offense does not disqualify a person from licensure under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a nursing home administrator, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

43-34-04. Licensing function. The board shall license nursing home administrators in accordance with rules and regulations issued, and from time to time revised by it. A nursing home administrator's license is not transferable and is valid until surrendered for cancellation or suspended or revoked for violation of this chapter or any other laws or regulations relating to the proper administration and management of a nursing home. Any denial of issuance or renewal, suspension, or revocation under any section of this chapter is subject to review upon the timely request of the licensee and pursuant to chapter 28-32.

43-34-05. License fees. Each person licensed as a nursing home administrator is required to pay a license fee in an amount to be fixed by the board, which fee may not exceed one hundred fifty dollars per annum. Any licensee, or applicant for license, may take a special examination for the purpose of being eligible for reciprocity with other states, upon the payment of an additional fee to be established by the board for that purpose.

43-34-06. Fund created. Repealed by S.L. 1971, ch. 510, § 15.

43-34-07. Organization of board. The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. Each member shall receive, as compensation for the member's services, an amount agreed upon by the board but not to exceed that of other state boards. All members must be allowed necessary travel expenses, as may be approved by the board, which are payable in the same manner as travel expense of other state officials. The board may employ and fix the compensation and duties of necessary personnel to assist it in the performance of its duties.

43-34-08. Exclusive jurisdiction of board. The board shall have sole and exclusive authority to determine the qualifications, competence, and fitness of any person to serve as an administrator of a nursing home under the provisions of this chapter, and the holder of a license under the provisions of this chapter must be deemed qualified to serve as the administrator of a nursing home.

43-34-09. Duties of the board. The board has the duty and responsibility to:

1. Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards must be designed to ensure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the

field of institutional administration, are qualified to serve as nursing home administrators.

2. Develop and apply appropriate techniques, including examination and investigations, for determining whether an individual meets such standards.
3. Issue licenses to individuals determined, after application of such techniques, to meet such standards, and for cause, after due notice and hearing, to revoke or suspend licenses previously issued by the board in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards.
4. Establish and carry out procedures designed to ensure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards.
5. Receive, investigate, and take appropriate action with respect to, and including the revocation of a license if necessary after due notice and hearing and for cause, any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of such standards.
6. Conduct a continuing study and investigation of nursing homes, and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.
7. Conduct, or cause to be conducted, one or more courses of instruction and training sufficient to meet the requirements of this chapter, and make provisions for such courses and their accessibility to residents of this state unless it finds that there are and approves a sufficient number of courses which courses are conducted by others within this state. In lieu thereof the board may approve courses conducted within and without this state as sufficient to meet the education and training requirements of this chapter.

43-34-10. Renewal of license. Every holder of a nursing home administrator's license shall renew it annually, by making application to the board. Such renewals must be granted as a matter of course, unless the board finds, after due notice and hearing, that the applicant has acted or failed to act in such manner or under such circumstances as would constitute grounds for suspension or revocation of a license.

43-34-11. Emergency licenses. In the event of the death or other unexpected removal of a licensed nursing home administrator from the administrator's position, the owner, the governing body, or other appropriate authority of the nursing home may designate an acting administrator to whom the board may issue an emergency license. This emergency license is in force for a period not to exceed ninety days but may be renewed for an additional ninety days by the board upon good cause shown.

43-34-12. Reciprocity with other states. The board may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction, provided that the board finds that the standards for licensure at the time the license was issued in the other jurisdiction were at least the substantial equivalent of those prevailing in this state at the time of application and that the applicant is otherwise qualified.

43-34-13. Offense - Penalty. It is a class A misdemeanor for any person to act or serve in the capacity as a nursing home administrator unless that person is the holder of a license as a nursing home administrator, issued in accordance with the provisions of this chapter.

43-34-14. Laws in conflict repealed. All laws and parts of laws in conflict with any of the provisions of this chapter are hereby repealed.